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11 FRONTIER AIRLINES, INC.

12 UNITED STATES DISTRICT COURT
13 CENTRAL DISTRICT OF CALIFORNIA

14 ANDREA RIDGELL, on behalf of Case No.: 2:18-CV-04916 PA (AFMx)
15 herself and others similarly situated, }
16 Plaintiff, } FRONTIER AIRLINES INC.'S
17 v. } STATEMENT OF
FRONTIER AIRLINES, INC. a } UNCONTROVERTED FACTS AND
Colorado corporation; AIRBUS S.A.S., } CONCLUSIONS OF LAW IN SUPPORT
a foreign corporation doing business in } OF MOTION FOR SUMMARY
the State of California; AIRBUS } JUDGMENT
GROUP HQ, INC., a corporation doing } Date: June 17, 2019
business in the State of California, } Time: 1:30 p.m.
Defendants. } Place: Courtroom of the Honorable Percy
Anderson
22 _____

23 Pursuant to Federal Rule of Civil Procedure 56 and United States District Court
24 for the Central District of California Local Rule 56-1, Frontier Airlines, Inc.
25 (hereinafter "Frontier"), by and through its counsel of record, Clyde & Co US LLP,
26 hereby submits its statement of uncontested facts and conclusions of law in support
27 of its motion for summary judgment as follows.
28

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Uncontroverted Fact No.	Facts and Conclusions of Law	Supporting Evidence
1.	Frontier did not manufacture, distribute or act as a retailer of the subject aircraft.	First Amended Complaint, ¶ 19; Declaration of James Nides ("Nides Decl."), ¶¶ 2 and 18.
2.	Frontier did not design or assemble the subject aircraft.	First Amended Complaint, ¶ 19; Nides Decl., ¶¶ 2 and 18.
3.	Frontier did not represent, promote or market the subject aircraft.	First Amended Complaint, ¶ 19; Nides Decl., ¶¶ 2 and 18.
4.	The United States Federal Aviation Administration ("FAA") mandates that aircraft be both registered and certified as airworthy.	Nides Decl., ¶¶ 5-6.
5.	In order to operate an aircraft, air carriers must receive an airworthiness certificate, which certifies that the aircraft conforms to its type certificate and is in condition for safe operation.	Nides Decl., ¶¶ 5 and 8.
6.	At all relevant times, the Airbus aircraft that operated flight no. 1630 on or about June 3, 2017 was certified as airworthy by the FAA.	Nides Decl., ¶¶ 5, 9 and 11.
7.	At all relevant times, the Airbus	Nides Decl., ¶¶ 5, 10, 11

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1	aircraft that operated flight no.	and 14; Declaration of
2	1630 on or about June 3, 2017 was	Henry Villareal
3	maintained and inspected in	("Villareal Decl."), ¶ 1,
4	accordance with the FAA's	4, 5, and 6; Exhibit C to
5	requirements for safe operation of	Villareal Declaration.
6	aircraft.	
7	8.	Nides Decl., ¶ 5, 10, 11,
8	On or about June 3, 2017, the	12, 13, 14 and 15; Exhibit
9	Airbus aircraft that operated flight	A to Nides Decl.;
10	no. 1630 was inspected in	Villareal Decl., ¶ 1, 4, 5,
11	accordance with FAA regulations	and 6; Exhibit C to
12	by a technician in Frontier's FAA-	Villareal Declaration.
13	certified maintenance program.	
14	9.	Nides Decl., ¶ 5, 10, 11,
15	In the four weeks following June 3,	12, 13, 14 and 15; Exhibit
16	2017, the Airbus aircraft that	A to Nides Decl.
17	operated flight no. 1630 was	
18	tracked and there were no reports of	
19	any unknown odors detected.	
20	10.	Declaration of Brittany
21	Menzies Aviation ("Menzies") is a	Shamburger
22	company providing essential airport	("Shamburger Decl."), ¶
23	services on behalf of air carriers.	1.
24	11.	Shamburger Decl., ¶ 1.
25	In June, 2017, Menzies provided	
26	gate agents for Frontier Airlines at	
27	Phoenix Sky Harbor International	
28	Airport.	
	12.	Shamburger Decl., ¶ 2,
	In handling situations involving a	4, and 5.
	flight delay and/or cancellation,	

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1	Menzies gate agents are trained to advise passengers to remain near the gate area so that they can hear announcements relating to the status of their flight, as the aircraft could leave earlier than its estimated time.	
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8	13. In event of a cancellation, Menzies gate agents are trained to make announcements regarding any alternative transportation, hotel accommodations and/or compensation to be provided to passengers.	Shamburger Decl., ¶¶ 2, 4, and 5.
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15	14. At airport terminal gates, Menzies agents do not confine passengers in the gate area by any means and they have no intention to confine passengers.	Shamburger Decl., ¶¶ 2, 4, and 6.
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20	15. Menzies gate agents are not armed and have no legal authority to detain any passenger.	Shamburger Decl., ¶¶ 2, 4, and 7.
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23	16. Menzies does not use physical barriers, force, threats of force, menace, fraud, deceit or unreasonable duress in dealing with passengers.	Shamburger Decl., ¶¶ 2, 4, and 7.
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1	17.	If a passenger expresses a desire to leave the gate area and/or airport, Menzies' gate agents are trained to advise the passengers that they are free to leave but they may miss their flight and/or alternate transportation.	Shamburger Decl., ¶¶ 2, 4, and 9.
8	18.	Following the diversion of flight no. 1630 to Phoenix on June 3, 2017, Frontier transported plaintiff, via alternate aircraft, to her ultimate destination of Orlando, Florida.	Nides Decl., ¶¶ 2 and 16; Exhibit B to Nides Decl.

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Dated: May 20, 2019

CLYDE & CO US LLP

By:



KEVIN R. SUTHERLAND
NATASHA N. MIKHA
Attorneys for Defendant
FRONTIER AIRLINES, INC.

PROOF OF SERVICE

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California, I am over the age of eighteen years, and not a party to the within action. My business address is 633 West 5th Street, 26th Floor, Los Angeles, California 90071.

On May 20, 2019, I served the document(s) described as:

**FRONTIER AIRLINES INC.'S STATEMENT OF UNCONTROVERTED
FACTS AND CONCLUSIONS OF LAW IN SUPPORT OF MOTION
FOR SUMMARY JUDGMENT**

on the parties in this action addressed as follows:

SEE ATTACHED SERVICE LIST

in the following manner:

- (BY FAX):** by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below, or as stated on the attached service list, on this date before 5:00 p.m.
 - (BY MAIL):** as follows: I am “readily familiar” with the firm’s practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in affidavit.
 - (BY OVERNIGHT DELIVERY):** I caused such envelope(s) to be delivered to an overnight delivery carrier with delivery fees provided for, addressed to the person(s) on whom it is to be served.
 - (BY PERSONAL SERVICE):** I caused such envelope(s) to be delivered by hand this date to the offices of the addressee(s).
 - (BY CM/ECF):** by electronic filing system with the clerk of the Court which will send a Notice of Electronic Filing to all parties with an e-mail address of record, who have filed a Notice of Consent to Electronic Service in this action:

I declare I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on **May 20, 2019**, at Los Angeles, California.

Sonja L. Gray

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